

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re:)	
RUSSELL W. BANKS and)	Case No. 11-37601-PP
BONNIE M. BANKS,)	Chapter 13
)	
Debtors.)	

NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

Russell W. Banks and Bonnie M. Banks have filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue, Room 126
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Anton B. Nickolai
Nickolai & Poletti, LLC
308 Milwaukee Avenue
Burlington, WI 53105

If you or your attorney does not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

Drafted by:
Anton B. Nickolai
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REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:
 - A. X the Debtor;
 - B. the Chapter 13 Trustee (post-confirmation modifications only);
 - C. the holder of an unsecured claim (Name:) (post-confirmation only).
2. This is a request to modify a Chapter 13 Plan (Select A. or B.):
 - A. X post-confirmation;
 - B. pre-confirmation (Select i. or ii.);
 - i. Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (LBR 3015(b)); or
 - ii. Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)). The creditors affected are:
3. The Proponent wishes to modify the Chapter 13 Plan to do the following: The debtors intend to amend their plan to address feasibility issues.
4. The reason(s) for the modification is/are: The debtors are complying with an order.
5. Select A. or B.
 - A. X The Chapter 13 Plan confirmed on February 29, 2013, is modified as follows:
 - a. **The debtors' plan payment shall increase to \$65.00 semi-monthly to ensure plan feasibility.**
 - b. **Creditors with allowed general unsecured claims shall receive a pro rata distribution of \$0.00 or 0%, whichever is greater.**
 - B. The unconfirmed Chapter 13 Plan dated is modified as follows:

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.
6. **BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND**

PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.

CERTIFICATION

I, Anton B. Nickolai, attorney for the debtors, Russell W. Banks and Bonnie M. Banks, certify that I have reviewed the modification proposed above with the debtors, and that the debtors have authorized me to file it with the court.

/s/ Anton B. Nickolai

Counsel for the debtor

May 30, 2013

Date

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Dated: May 30, 2013.

Nickolai & Poletti, LLC
Attorneys for Debtors

/s/

By: Anton B. Nickolai
State Bar No. 1060676

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